

Panaji, 10th October, 1985 (Asvina 18, 1907)

SERIES I No. 28

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

#### Notification

1/16/76-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of Home Affairs Notification No. F. 1/29/68-GP dated the 29th June 1968 and in supersession of the existing recruitment rules for the posts, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules relating to recruitment to the General Central Service, Group 'A' Gazetted post in the Directorate of Information, under Government of Goa, Daman and Diu, namely: —

#### 1. Short title, application and commencement. —

(1) These rules may be called the Government of Goa, Daman and Diu, Directorate of Information, Group 'A', Gazetted post Recruitment Rules, 1985.

(2) *Application.* — These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of publication in the Official Gazette.

2. *Number, classification and scales of pay.* — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.* — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in Columns 5 to 13 of the said Schedule.

4. *Disqualification.* — No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may if satisfied that such marriage is permissible under the personal Law applicable to such person and the other party to the marriage or that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.* — Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

6. *Saving.* — Nothing in these rules shall affect reservation of age limit and other concessions required to be provided for Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in that regard.

7. These rules are issued with the approval of the Union Public Service Commission granted under their letter No. F. 3/29(7)/85-RR dated 16-8-85.

By order, and in the name of the Lieutenant Governor of Goa, Daman & Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 30th September, 1985.

**SCHEDULE**

Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Whether benefit of added years of service admissible under rule 30 of the C.C.S. (Pension) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & Educational Qualifications prescribed for the direct recruit will apply in the case of promotees	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D. P. C. exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Director of Information.	1 (1985) Subject to variation dependent on workload.	General Central Service Group 'A' Gazetted.	Rs. 1100-50-1600.	Selection.	Not exceeding 40 years. (Relaxable for Government servants upto 5 years in accordance with the instructions or orders issued by the Central Government).	No	<p><b>Essential:</b></p> <p>i) Degree of a recognised University or equivalent.</p> <p>ii) 7 years journalistic experience in a newspaper/news agency or in publicity and public relations work in a Government Department or Commercial Publicity Organisations.</p> <p><b>Note 1:</b> Qualifications are relaxable at the discretion of the U. P. S. C. in case of candidates otherwise well qualified.</p> <p><b>Note 2:</b> The qualification (s) regarding experience is/are relaxable at the discretion of the U.P.S.C. in the case of candidates belonging to Scheduled Castes and Scheduled Tribes if, at any stage of selection, the U.P. S. C. is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.</p> <p><b>Desirable:</b></p> <p>1. Degree / Diploma in Journalism of a recognised University/Institution or equivalent;</p> <p>2. Familiarity with the various publicity media.</p> <p>3. Knowledge of Marathi and or Konkani/Gujarathi.</p>	N. A.	2 years for promotee officers and one year for direct recruit.	By promotion failing which by transfer on deputation and failing both by direct recruitment.	<p><b>Promotion:</b></p> <p>Information Officers with 8 years regular service in the grade.</p> <p><b>Transfer on Deputation:</b></p> <p>Officers under the Central/State Governments and Union Territories:</p> <p>(a) i) holding analogous posts; or</p> <p>ii) with 5 years' service in posts in the scale of Rs. 700-1300 or equivalent;</p> <p>iii) with 8 years' service in posts in the scale of Rs. 650-1200 or equivalent; and</p> <p>(b) possessing the educational qualifications and experience laid down for direct recruits under Col. 7.</p> <p>(Departmental Officers in the feeder category who are in the direct line of promotion will not be eligible for consideration for appointment on deputation. Similarly, deputationists shall not be eligible for consideration for appointment by promotion.</p>	<p><b>Group 'A' D. P. C.:</b></p> <p>1. Chairman/Member, U.P.S.C. — Chairman.</p> <p>2. Chief Secretary — Member.</p> <p>3. Administrative Secretary — Member.</p> <p><b>Group 'A' D.P.C.:</b> (for considering confirmation).</p> <p>1. Chief Secretary — Chairman.</p> <p>2. Administrative Secretary — Member.</p> <p><b>Note:</b> The Proceedings of the D.P.C. relating to confirmation shall be sent to the Commission for approval. If, however, these are not approved by the Commission a fresh meeting of the D.P.C. to be presided over by the Chairman or a Member of the U. P. S. C. shall be held.</p>	Selection on each occasion shall be made in consultation with the Commission.

Period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment in the same organisation/department shall not ordinarily exceed 3 years).

### Notification

3/6/76-PER (Vol.II)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution read with Government of India, Ministry of Home Affairs Notification No. F. 1/29/68-GP, dated 29/6/1968, and all other powers enabling him in this behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules so as to amend the Goa, Daman and Diu Civil Service Rules, 1967, namely: —

1. **Short title and commencement.** — (1) These rules may be called the Goa, Daman and Diu Civil Service (Second Amendment) Rules, 1985.

(2) They shall come into force at once.

2. **Amendment of Schedules:** — In the Goa, Daman and Diu Civil Service Rules, 1967, —

(i) in the Schedule I thereto, the entry "12. Director of Information" shall be deleted.

(ii) in the Schedule II thereto, the following entries shall be deleted, namely: —

"12 Information Officer in the Department of Information and Tourism.

13 Publication Officer in the Department of Information and Tourism".

By order and in the name of the Lieutenant Governor of Goa, Daman & Diu.

N. P. Gannekar, Under Secretary (Personnel).

Panaji, 30th September, 1985.

### Finance Department

#### Expenditure, Revenue and Control Branch

### Notification

1/7/80-Fin (R&C)

In exercise of the powers conferred by section 22 of the Goa, Daman and Diu Excise Duty Act, 1964 (5 of 1964), the Government of Goa, Daman and Diu hereby makes the following rules so as to further amend the Goa, Daman and Diu (Excise Duty) Rules, 1964, namely:—

1. **Short title and commencement.** — (1) These rules may be called the Goa, Daman and Diu Excise Duty (Second Amendment) Rules, 1985.

(2) They shall come into force at once.

2. **Amendment of rule 99.** — In rule 99 of the Goa, Daman and Diu Excise Duty Rules, 1964, for sub-rule (1), the following sub-rule shall be substituted, namely: —

"(1) The licensed premises for retail sale of foreign liquor, Indian made foreign liquor or country liquor for consumption on the premises may be kept open from 9.00 hours to 23.00 hours."

By order and in the name of the Administrator of Goa, Daman and Diu.

K. M. Nambiar, Under Secretary (Finance Exp).

Panaji, 3rd October, 1985.

Law Department  
Legal Affairs Branch

Notification

7/19/85-LA

The following Act which was passed by the Legislative Assembly of Goa, Daman and Diu on the 5th day of August, 1985 and assented to by the Administrator of Goa, Daman and Diu on 17-9-85, is hereby republished for the general information of the public.

B. S. Subbanna, Under Secretary (Drafting).

Panaji, 25th September, 1985.

The Goa, Daman and Diu Excise Duty (Amendment) Act, 1985

(Act No. 19 of 1985)

AN

ACT

*further to amend the Goa, Daman and Diu Excise Duty Act, 1964.*

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa, Daman and Diu Excise Duty (Amendment) Act, 1985.

(2) It shall come into force at once.

2. *Amendment of section 30.*— In section 30 of the Goa, Daman and Diu Excise Duty Act, 1964 (5 of 1964), to item (i), the following proviso shall be added, namely:—

“Provided that the minimum punishment shall not be less than six months”.

M. RAGHUCHANDAR

Law Secretary to the Government  
of Goa, Daman and Diu  
(Legal Affairs Branch)

Secretariat,  
Panaji-Goa.

Dated: 25th September, 1985.

Notification

7/20/85-LA

The following Act which was passed by the Legislative Assembly of Goa, Daman and Diu on the 5th day of August, 1985 and assented to by the Administrator of Goa, Daman and Diu on 17-9-85, is hereby republished for the general information of the public.

B. S. Subbanna, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 25th September, 1985.

The Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Act, 1985

(Act No. 20 of 1985)

AN

ACT

*further to amend the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974.*

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Act, 1985.

(2) It shall come into force at once.

2. *Amendment of schedule.*— In para 1 of the schedule to the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974 (7 of 1974), for clause (b), the following clause shall be substituted, namely:—

“(b) in the case of a public carrier vehicles — Rupees sixty per month:

Provided that in the case of a vehicle (Three wheeler) having the carrying capacity below 1000 kgs., the rate shall be rupees thirty-seven and fifty paise per month.”.

M. RAGHUCHANDAR

Law Secretary to the Government  
of Goa, Daman and Diu  
(Legal Affairs Branch)

Secretariat,  
Panaji-Goa.

Dated: 25th September, 1985.

Notification

LD/1/9/85-(D)

The Dowry Prohibition (Amendment) Act, 1984 (No. 63 of 1984) which has been passed by the Parliament and assented to by the President of India on 11th September, 1984 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 11-9-1984; the Notification bearing No. F.No.11/9/84-Leg. III dated 19th August, 1985 issued by the Ministry of Law and Justice (Legislative Department), New Delhi and published in the Gazette of India, Extraordinary, Part II Section 3- sub-section (ii) dated 19-8-1985, and the Notification bearing No. F. No. 11/9/84-Leg. III dated 19th August, 1985 issued by the Ministry of Law and Justice (Legislative Department), New Delhi and published in the Gazette of India, Extraordinary, Part II-Section 3-sub-section (i) dated 19-8-1985, are hereby republished for the general information of the public.

B. S. Subbanna, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 23rd September, 1985.

GOVERNMENT OF INDIA  
MINISTRY OF LAW, JUSTICE, AND  
COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 11th September, 1984/Bhadra 20,  
1906 (Saka)

The following Act of Parliament received the assent of the President on the 11th September, 1984, and is hereby published for general information:—

The Dowry Prohibition (Amendment) Act, 1984

No. 63 of 1984

[11th September, 1984]

An Act to amend the Dowry Prohibition Act, 1961.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Dowry Prohibition (Amendment) Act, 1984.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Amendment of section 2.**—In section 2 of the Dowry Prohibition Act, 28 of 1961. 1961 (hereinafter referred to as the principal Act),—

(a) for the words “as consideration for the marriage of the said parties, but does not include”, the words “in connection with the marriage of the said parties, but does not include” shall be substituted;

(b) *Explanation 1* shall be omitted.

3. **Amendment of section 3.**—Section 3 of the principal Act shall be renumbered as sub-section (1) of that section and,—

(a) in sub-section (1) as so renumbered, for the words “with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both”, the following shall be substituted, namely:—

“with imprisonment for a term which shall not be less than six months, but which may extend to two years, and with fine which may extend to ten thousand rupees or the amount of the value of such dowry, whichever is more:

Provided that the Court may, for adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than six months.”;

(b) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

“(2) Nothing in sub-section (1) shall apply to, or in relation to,—

(a) presents which are given at the time of a marriage to the bride (without any demand having been made in that behalf):

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act;

(b) presents which are given at the time of a marriage to the bridegroom (without any demand having been made in that behalf):

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act:

Provided further that where such presents are made by or on behalf of the bride or any person related to the bride, such presents are of a customary nature and the value thereof is not excessive having regard to the financial status of the person by whom, or on whose behalf, such presents are given.”.

4. **Substitution of section 4.**—For section 4 of the principal Act, the following section shall be substituted, namely:—

“4. **Penalty for demanding dowry.**—If any person demands, directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees:

Provided that the Court may, for adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment for a term of less than six months.”.

5. **Amendment of section 6.**—In section 6 of the principal Act,—

(a) in sub-section (1), for the words “one year”, wherever they occur, the words “three months” shall be substituted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) If any person fails to transfer any property as required by sub-section (1) within the time limit specified therefor, he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years or with fine which may extend to ten thousand rupees or with both.”;

(c) after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) Where a person convicted under sub-section (2) for failure to transfer any property as required by sub-section (1) has not, before his conviction under that sub-section, transferred such property to the woman entitled thereto or, as the case may be, her heirs, the Court shall, in addition to awarding punishment under that sub-section, direct, by order in writing, that such person shall transfer the property to such woman or, as the case may be, her heirs within such period as may be specified in the order, and if such person fails to comply with the direction within the period so specified, an amount equal to the value of the property may

be recovered from him as if it were a fine imposed by such Court and paid to such woman or, as the case may be, her heirs."

**6. Substitution of section 7.**—For section 7 of the principal Act, the following section shall be substituted, namely:—

**7. Cognizance of offences.**—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973,— 2 of 1974.

(a) no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under this Act;

(b) no court shall take cognizance of an offence under this Act except upon—

(i) its own knowledge or a police report of the facts which constitute such offence, or

(ii) a complaint by the person aggrieved by the offence or a parent or other relative of such person, or by any recognized welfare institution or organisation;

(c) it shall be lawful for a Metropolitan Magistrate or a Judicial Magistrate of the first class to pass any sentence authorised by this Act on any person convicted of any offence under this Act.

*Explanation.*—For the purposes of this sub-section, "recognized welfare institution or organisation" means a social welfare institution or organisation recognized in this behalf by the Central or State Government.

(2) Nothing in Chapter XXXVI of the Code of Criminal Procedure, 1973, shall apply to any offence punishable under this Act. 2 of 1974.

**7. Substitution of section 8.**—For section 8 of the principal Act, the following section shall be substituted, namely:—

**"8. Offences to be cognizable for certain purposes and to be bailable and non-compoundable.**—(1) The Code of Criminal Procedure, 1973 shall apply to offences under this Act as if they were cognizable offences— 2 of 1974.

(a) for the purposes of investigation of such offences; and

(b) for the purposes of matters other than—

(i) matters referred to in section 42 of that Code; and

(ii) the arrest of a person without a warrant or without an order of a Magistrate.

(2) Every offence under this Act shall be bailable and non-compoundable."

**8. Amendment of section 9.**—In section 9 of the principal Act, sub-section (2) shall be renumbered as sub-section (3) thereof, and before sub-section (3) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the form and manner in which, and the persons by whom, any list of presents referred

to in sub-section (2) of section 3 shall be maintained and all other matters connected therewith; and

(b) the better co-ordination of policy and action with respect to the administration of this Act."

R. V. S. PERI SASTRI,  
Secy. to the Govt. of India.

#### Corrigenda

In the Levy Sugar Price Equalisation Fund (Amendment) Act, 1984 (54 of 1984), as published in the Gazette of India, Extraordinary, Part II, Section 1 (No. 68), dated the 23rd August, 1984:—

(i) at page 1, in line 5, for "30th August, 1984", read "23rd August, 1984";

(ii) at page 5, in line 15, for "befor", read "before".

#### GOVERNMENT OF INDIA MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 19th August, 1985

#### Notification

S.O. 610(E).—In exercise of the powers conferred by section 1 of the Dowry Prohibition (Amendment) Act, 1984 (63 of 1984), the Central Government hereby appoints the 2nd day of October, 1985 as the date on which the said Act shall come into force.

[F. No. 11/9/84-Leg. III]  
V. S. RAMA DEVI, Addl. Secy.

New Delhi, the 19th August, 1985

#### Notification

G.S.R. 664(E).—In exercise of the powers conferred by section 9 of the Dowry Prohibition Act, 1961 (28 of 1961), the Central Government hereby make the following rules, namely:—

**1. Short title and commencement.**—(1) These rules may be called the Dowry Prohibition (Maintenance of lists of Presents to the Bride and Bridegroom) Rules, 1985.

2. They shall come into force on the 2nd day of October 1985 being the date appointed for the coming into force of the Dowry Prohibition (Amendment) Act, 1984 (63 of 1984).

**2. Rules in accordance with which lists of presents are to be maintained.**—(1) The list of presents which are given at the time of the marriage to the bride shall be maintained by the bride.

(2) The list of presents which are given at the time of the marriage to the bridegroom shall be maintained by the bridegroom.

(3) Every list of presents referred to in sub-rule (1) or sub-rule (2), —

(a) shall be prepared at the time of marriage or as soon as possible after the marriage.

(b) shall be in writing.

(c) shall contain, —

(i) a brief description of each present;

(ii) the approximate value of the present;

(iii) the name of the person who has given the present; and

(iv) where the person giving the present is related to the bride or bridegroom, a description of such relationship;

(d) shall be signed by both the bride and the bridegroom.

Explanation 1. — Where the bride is unable to sign, she may affix her thumb-impression in lieu of her signature after having the list read out to her and obtained the signature, on the list, of the person who has so read out the particulars contained in the list.

Explanation 2. — Where the bridegroom is unable to sign, he may affix his thumb-impression in lieu of his signature after having the list read out to him and obtained the signature on the list, of the person who has so read out the particulars contained in the list.

(4) The bride or the bridegroom may, if she or he so desires, obtain on either or both of the lists referred to in sub-rule (1) or sub-rule (2) the signature or signatures of any relations of the bride or the bridegroom or of any other person or persons present at the time of the marriage.

[F. No. 11/9/84-Leg. III]

V. S. RAMA DEVI, Addl. Secy.

Establishment Branch

Goa, Daman and Diu Civil Service (Judicial Branch)

Rules 1983

(proposed)

Government of Goa, Daman and Diu Law and  
Judiciary Department

Notification

1-53-82/LD

In exercise of the powers conferred by Articles 233 and 234 of the Constitution of India read with section 5 of the High Court at Bombay (Extension of Jurisdiction to Goa, Daman and Diu) Act, 1981 (No. 26 of 1981) and after consultation with the High Court at Bombay as required by Arts. 233 and 234 of the Constitution; and the Union Public Service Commission, as required by Art. 234; and, in supersession of the Goa, Daman and Diu Civil Service (Judicial Branch) Rules, 1973 and the regulations made thereunder for the conduct of competitive examination for direct recruitment to the grade II (Junior) of the Civil Service (Judicial

Branch), the Administrator of Goa, Daman and Diu, is pleased to make the following rules regulating recruitment, appointment and the matters connected therewith, in the Goa, Daman and Diu, Civil Service (Judicial Branch) —

## PART I

### General

1. **Short title and commencement.** — 1) These rules may be called the Goa, Daman and Diu Civil Service (Judicial Branch) Rules, 1983.

2) They shall come into force on such date as the Administrator in consultation with the High Court may notify in the Official Gazette.

2. **Definition.** — In these rules, unless the context otherwise requires, —

(a) "Administrator" means Administrator appointed under Article 239 of the Constitution of India for the Union Territory of Goa, Daman and Diu.

(b) "Committee" means the Committee constituted under Rule 7.

(c) "Government" means the Government of Goa, Daman and Diu.

(d) "High Court" means the High Court of Judicature at Bombay having jurisdiction over the Union Territory of Goa, Daman and Diu under the High Court at Bombay (Extension of Jurisdiction to Goa, Daman and Diu) Act, 1981.

(e) "Members of the Service" means persons appointed to any grade of the service on probation or in a substantive or officiating capacity to a post in accordance with these rules.

(f) "Regulations" means the regulations framed by the High Court.

(g) "Service" means the Goa, Daman and Diu Civil Service (Judicial Branch).

3. **Constitution of service and its classification.** — The Service shall have the following three Grades viz: —

i) Selection Grade, consisting of District and Sessions Judges.

ii) Grade I, consisting of Additional District Judges and Additional Sessions Judges.

iii) Grade II, consisting of —

(a) Senior Branch — Civil Judges, Sr. Dn.

(b) Junior Branch — Civil Judges, Jr. Dn.

All the above posts shall be Central Civil posts, Group A, Gazetted.

## PART II

### Authorised Strength

4. **Strength of service.** — The strength of service shall be such as may be determined by the Administrator from time to time in consultation with the High Court.



**5. Method of Recruitment**—Save as provided in Rule 11, appointment to posts in Junior Branch of Grade II of the service shall be made by direct recruitment.

**6. Eligibility.**—No person shall be eligible for appointment to the Junior Branch, Grade II, of the service, unless:

(a) he is an Indian Citizen;

(b) he is not less than 25 years and not more than 35 years of age (40 years in case of candidates belonging to ST & SC and communities recognised as Backward Classes by Government for the purpose of recruitment);

(c) he holds a degree in Law of any recognised University in India or equivalent thereof from a foreign country which has reciprocal understanding with the Government of India in the matter of recognition of academic qualifications;

(d) he has practised as an advocate in the High Court or any courts subordinate thereto or the former Judicial Commissioner's Court for not less than three years on the last date prescribed for the submission of the applications, or

(e) he is an Assistant Public Prosecutor.

**7. Interview.**—Appointment to the Junior Grade, Branch II shall be made by the Administrator in consultation with a Committee consisting of:

i) A Judge of the High Court nominated by the Chief Justice who shall be the Chairman;

ii) A Judge of the High Court nominated by the Justice—Member;

iii) The Joint Secretary in the Department of Justice, Government of India or the Chief Secretary of Goa, Daman and Diu—Members;

iv) Law Secretary, Government of Goa, Daman and Diu—Member Secretary.

The Committee shall draw up a list of candidates in order of merit after interviewing the candidates. Such list will remain valid, until a fresh list according to these Rules, is prepared.

**8. Fitness.**—No candidate shall be appointed to the service unless he is found to be free from any mental or physical defect tending to interfere with the discharge of the duties of the service after a medical examination by such Board or a medical Officer as may be prescribed by the Administrator.

**9. Inclusion in the list not to confer right to appointment.**—The inclusion of a candidate's name in the list referred to in Rule 7 confers no right to appointment.

**10. Appointment of candidates included in the list.**  
a) Subject to the provisions of these rules, the candidates may be considered for appointment to the available vacancies in the order in which their names appear in the list referred to in rule 7.

b) In filling the vacancies reserved for members of the Scheduled Castes, Scheduled Tribes the instructions/orders issued by the Government of India from time to time shall be applicable. In so far as the reservation for other Backward Classes as con-

cerned, the instructions/orders issued by the Government of Goa, Daman and Diu will be followed.

#### PART IV

**11. Initial appointment of person in the service.**—The holder of any post in the service as on the date these Rules come into force, shall continue to hold such post and shall be subject to the terms and conditions prescribed for completion of probation if any, by Goa, Daman and Diu Civil Service (Judicial Branch) Rules, 1973. In other respects, the incumbents shall be governed by these Rules.

#### PART V

**12. Disqualification.**—(i) No person who has more than one spouse living shall be eligible for appointment and continuation in service.

Provided that the Government may, if satisfied that such marriage is permissible under the personal Law applicable to such persons and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

(ii) No person convicted of an offence involving moral turpitude shall be eligible for appointment. The decision of the High Court on the administrative side in case of dispute as to whether conviction for a particular offence involves moral turpitude, shall be final.

(iii) No Advocate suspended from practice as an Advocate by any Bar Council for professional misconduct shall be eligible for appointment.

#### PART VI

**13. Period of probation and officiation.**—(a) Every person appointed to the Junior Branch Grade II of the Service, shall be on probation for a minimum period of two years and shall continue to be on such probation till the High Court issues a certificate about the satisfactory completion of probation. A person on probation shall be liable to be discharged from service at any time by the Administrator on the recommendation of the High Court.

(b) Even after the issue of the above certificate and until declared permanent, the holder of the post shall be the holder of an officiating post terminable by the Administrator on the recommendation of the High Court with one month's notice or salary in lieu thereof.

**14. Confirmation in service.**—A person who has been declared to have satisfactorily completed the period of probation, may be made permanent, if there is a vacancy in the cadre and the High Court thinks fit to do so.

#### PART VII

**15. Re-employment, extension and officiation.**—(a) If a member of the service is not immediately available for holding a Grade II Junior Branch post, that post may be filled in by the Administrator on the recommendation of the High Court from amongst retired members of the service. The re-employed



members shall be in service for such period as may be determined by the High Court.

(b) Notwithstanding the above, a member of the service who has attained the age of superannuation may be retained for such period as may be specified if it is in public interest to do so with the sanction of the Government on a recommendation to that effect by the High Court.

**16. Restriction on practice by persons nominated from the Bar.**— Every person appointed to the Judicial Service from amongst the members of the Bar shall be debarred from practising in any Court over which he may preside while in service or in any Courts subordinate thereto for a period of two years from the date on which he ceased to be in service, and shall at the time of his appointment give an undertaking in writing that for a period of two years from the date on which he ceased to be in service he shall not practice in such Courts.

#### PART VIII

**17. Seniority.**— The High Court shall prepare a list of members of the service arranged in order of seniority as provided by the regulations in this regard.

**18. Appointments, promotion and selection.**—

(a) Appointments to the Junior Branch of Grade II shall be made by the Administrator.

(b) Promotions from the Junior Branch Grade II to the Senior Branch of the said grade shall be made by the High Court.

(c) Selection from Grade II to Grade I shall be made by the Administrator in consultation with the High Court.

(d) Selection from Grade I to Selection Grade cadre shall be made by the High Court.

19. (a) An officer to be promoted from Junior Branch of Grade II to the Senior Branch of that grade shall have a standing of at least four years.

(b) An officer to be selected to Grade I shall have a standing of at least seven years in Grade II.

(c) An officer to be selected to the Selection Grade cadre shall have a standing of at least three years in Grade I.

#### PART IX

**20. Pay and allowances.**— (a) the scales of pay and allowances shall be as determined by the Administrator in consultation with the High Court from time to time. Pending determination, the members of the service shall draw such pay and allowances as are admissible under the rules applicable thereto.

(b) Dearness and other allowances shall be paid to the persons holding posts at such rates as may be determined by the Government from time to time.

#### PART X

**21. Power to make regulations.**— The High Court may make regulations not inconsistent with these rules, to provide for all matters for which provision may be necessary and expedient for the purpose of giving effect to these rules.

By order and in the name of the Administrator  
of Goa, Daman & Diu.

*M. Raghuchandar*, Law Secretary.

Panaji, 27th September, 1985.